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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/766,027

01/19/2001

David Cornelius

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7881

34036

7590

08/03/2004

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EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2661

10

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,027

Applicant(s)

CORNELIUS ET AL.

Examiner

Robert W Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19,35-47 and 61-73 is/are allowed.
- 6) ☒ Claim(s) 20-34 and 48-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

**1.0** The application of David Cornelius et. al. for "VOICE TRAFFIC THROUGH A FIREWALL" filed 01/19/2001 was examined. Claims 1-73 are pending.

#### *Claim Rejections - 35 USC § 103*

**2.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3.0** **Claims 20-29, 32-34, & 48-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et. al. (U.S. Patent No.: 6,470,020) in view of Rochberger et. al. (U.S. Patent No.: 6,760,309 B1)

Referring to **Claim 20**, Barker teaches: A method of communicating (Fig 6), comprising:

Receiving a plurality of packets relating to a plurality of media streams at a common destination port wherein the plurality of media streams are received through a first hole in a firewall (The H.323 Terminal receives a plurality of media streams at it's input port through a hole in a 54 or firewall per Fig 6); and

Separating the packets into individual media streams (H.323 terminal separates the media streams per Fig 6)

Barker does not expressly disclose the details of how the H.323 terminal separates the packets into individual media streams but teaches an H.323 terminal per Fig 6.

Rochberger et. al. teaches : how the H.323 terminal separates the packets into individual media streams per Fig 3.

It would be obvious to one of ordinary skill in the art at the time of the invention to add the separation of packets into media streams of Rochberger to the terminal of Barker because the

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terminal of Barker is a H.323 terminal because an H.323 terminal performs the function of separation of packets into media streams.

**In Addition Barker teaches:**

Wherein the first hole is the only hole in the firewall for receiving said plurality of media streams (54 per Fig 6) as claimed in **Claim 21**.

Further comprising sending a plurality media streams through the first hole in the firewall to the common destination port (The H.323 Terminal or 52 receives a plurality of media streams at it's input port or common destination port through the firewall or 54 per Fig 6) as claimed in **Claim 25**.

Further comprising sending control data through a second hole in the firewall (It would have been obvious to one of ordinary skill in the art at the time of the invention that the H.323 terminal receives control information through the Firewall in order for the invention to work) as claimed in **Claim 26**.

**In Addition Rochberger teaches:**

Wherein each media stream further comprises audio traffic (The input stream into 64 is split into Audio or 54 per Fig 3) as claimed in **Claim 22**.

Wherein each media stream further comprises video traffic (The input stream into 64 is split into Video or 52 per Fig 3) as claimed in **Claim 23**

Wherein each media stream further comprises a mixture of audio and video traffic (The input stream into 64 is split into Audio or 54 and Video or 52 per Fig 3) as claimed in **Claim 24**

Further comprising identifying each packet (Each packet can be identified from its source and destination address per Fig 11) as claimed in **Claim 27**

Further comprising associating each packet with a related media stream (voice, data, or video packet is input into UDP packet with an assigned CLASS and TTL per Fig 11) as claimed in **Claim 28**

Wherein the destination port is fixed (Destination Port address or fixed per Fig 11) as claimed in **Claim 29**

Further comprising: using a source port to form the association between the packet and media stream (Source port per Fig 11) as claimed in **Claim 32**

Further comprising: using a source IP address to forms an association between the packet and media stream (The examiner takes official notice that it is well known in the art at the UDP and

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or RTP packets are sent in an IP packet which has a source IP address per Comer per Pgs 97-99, 197-206, 221-222, & 542-549. It would have been obvious to utilize the source IP address to form an association with the media stream in order to be compliant with the TCP/IP standard. ) as claimed in **Claim 33**.

Further comprising using a field in an RTP header of each packet to form the association between the packet and media stream (The examiner takes official notice that it is well known in the art at the RTP packets provide a synchronizing source identifier per Comer per Pgs 97-99, 197-206, 221-222, & 542-549. It would have been obvious to utilize the RTP header to form an association between the packet and the media stream in order to be compliant with the TCP/IP standard) as claimed in **Claim 34**.

Referring to **Claim 48**, Barker teaches: A system for communicating through a firewall (Fig 6) comprising: means for receiving a plurality of packets relating to a plurality of media streams at a common destination port wherein said plurality of media streams are received through a first hole in a firewall (The H.323 Terminal receives a plurality of media streams at its input port through a hole in a 54 or firewall per Fig 6)

Means for separating the packets into individual media streams (H.323 terminal has the means to separates the media streams per Fig 6)

Barker does not expressly disclose the details of how the H.323 terminal separates the packets into individual media streams but teaches an H.323 terminal per Fig 6.

Rochberger et. al. teaches : how the H.323 terminal separates the packets into individual media streams per Fig 3.

It would be obvious to one of ordinary skill in the art at the time of the invention to add the separation of packets into media streams of Rochberger to the terminal of Barker because the terminal of Barker is a H.323 terminal and an H.323 terminal performs the function of separation of packets into media streams.

**In Addition Barker teaches:**

Wherein the first hole is the only hole in the firewall for receiving said plurality of media streams (54 per Fig 6) as claimed in **Claim 49**.

Further comprising a means sending a plurality media streams through the first hole in the firewall to the common destination port (The H.323 Terminal or 52 or means receives a plurality of media streams at its input port or common destination port through the firewall or 54 per Fig 6) as claimed in **Claim 52**.

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Further comprising a means for sending a plurality media streams through the first hole in the firewall to the common destination port (Firewall or 54 or means per Fig 60 as claimed in **Claim 53**.

Further comprising means sending control data through a second hole in the firewall (It would have been obvious to one of ordinary skill in the art at the time of the invention that the H.323 terminal receives control information through the Firewall in order for the invention to work) as claimed in **Claim 54**.

**In Addition Rochberger teaches:**

Wherein each media stream further comprises audio traffic (The input stream into 64 is split into Audio or 54 per Fig 3) as claimed in **Claim 50**.

Wherein each media stream further comprises video traffic (The input stream into 64 is split into Video or 52 per Fig 3) as claimed in **Claim 51**

Further comprising identifying each packet (Each packet can be identified from its source and destination address per Fig 11) as claimed in **Claim 55**

Further comprising associating each packet with a related media stream (voice, data, or video packet is input into UDP packet with an assigned CLASS and TTL per Fig 11) as claimed in **Claim 56**

Wherein the destination port is fixed (Destination Port address or fixed per Fig 11) as claimed in **Claim 57**

Further comprising: a means for using a source port to form the association between the packet and media stream (Source port per Fig 11) as claimed in **Claim 58**

Further comprising: a means for using a source IP address to form an association between the packet and media stream (The examiner takes official notice that it is well known in the art at the UDP and or RTP packets are sent in an IP packet which has a source IP address per Comer per Pgs 97-99, 197-206, 221-222, & 542-549. It would have been obvious to utilize the source IP address to form an association with the media stream in order to be compliant with the TCP/IP standard.) as claimed in **Claim 59**.

Further comprising a means for using a field in an RTP header of each packet to form the association between the packet and media stream (The examiner takes official notice that it is well known in the art at the RTP packets provide a synchronizing source identifier per Comer per Pg 542. It would have been obvious to utilize the synchronizing source identifier to form an

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association between the packet and media in order to be compliant with the TCP/IP standard) as claimed in **Claim 60**.

***Claim Rejections - 35 USC § 112***

**4.0** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 30 & 31** are rejected because the metes and bounds of the claims cannot be assessed.

Referring to **Claim 30**, What is the applicant claiming a “method” or “instructions”.

**Referring to Claim 31**, What is the applicant claiming a “method, signal, or instructions”?

***Claim Rejections - 35 USC § 101***

**5.0** 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 31** is rejected relative to 101 because it lacks utility.

Referring to **Claim 31**, a “signal encoded in a carrier medium” is not a process, machine, or item of manufacture or composition of matter; therefore, this claim lacks utility.

***Claim Rejections - 35 USC § 112***

**6.0** The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claim 31** is rejected because the bounds of the claim cannot be assessed.

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Referring to **Claim 31**, because claim 31 lacks utility the bounds of the claim cannot be assessed and consequently is rejected relative to 112/1<sup>st</sup> paragraph in accordance with IN RE HYATT.

### ***Claim Objections***

**7.0**     **Claims 30 & 31** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 30 and 31 are dependent claims which depend on the method claim 20. The applicant desires to implement a method in instructions. Instructions are associated with an apparatus and not a method consequently these dependent claims are improper.

### ***Specification***

**8.0**     The examiner objects to the references to internet URL references specified in the specification. The examiner recommends removing “http:” from the references. The examiner also objects to references to Appendices that are on a file in the case. The disclosure should be a standalone document. The examiner suggests either removing the references to the file or incorporation of the appendices into the case without adding new matter. The Correction is required. See MPEP § 608.01(b).

### ***Allowable Subject Matter***

**9.0**     The invention is directed to a method or system which sends telephony traffic over a packet switched network by creating a fixed destination port for data signaling, fixed destination address for call control, receives at least one media stream which has a unique identifier, and the source is commanded to insert the unique identifier.



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The closest prior art is Ju et. al. (U.S. Patent No.: 6,697,377 B1). The closest prior art discloses to a method or system which sends telephony traffic over a packet switched network by creating a fixed destination port for data signaling, fixed destination address for call control.

The closest prior art Ju et. al. (U.S. Patent No.: 6,697,377 B1 does not disclose or anticipate either singularly or in combination with other references the following claim limitations:

“Commanding the source of each media stream to provide identifier to each media stream arriving at the destination from the source wherein no two media streams arriving at the destination have identical identifiers ;...provided by the source” as claimed in **Claims 1, 9, & 43.**

“Sending a media stream or plurality of media streams from the source private branch exchange thorough a first hole in a firewall at a fixed destination port for the media streams at a destination private branch exchange;...sending a second control stream or plurality of control streams ... private branch exchange” as claimed in **Claims 35 & 39.**

“Second switch is connected to said second plurality of handsets, wherein said at least one second switch receives a plurality of packets relating to the plurality of media streams at a common destination port and separates the packets into individual media streams;  
A firewall protecting access to said at least one second switch wherein said plurality of media streams are received through a first hole in said firewall.

A firewall protecting access to said at least one second switch wherein said plurality of media streams are received thorough a first hole in said firewall” as claimed in **Claim 61.**

**In Addition:**

**Claims 2-8** are allowed because they depend upon **Claim 1.**

**Claims 10-19** are allowed because they depend upon **Claim 9.**

**Claims 36-38** are allowed because they depend upon **Claim 35.**

**Claims 40-42** are allowed because they depend upon **Claim 39.**

**Claims 44-47** are allowed because they depend upon **Claim 43.**

**Claims 44-47** are allowed because they depend upon **Claim 43**

**Claims 62-73** are allowed because they depend upon **Claim 61.**

***Conclusion***

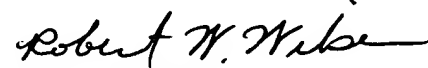
**9.0** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is (703) 305-4703.

The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
July 15, 2004



DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600